



Administrative Progress Report (APR) May 2007

To: POST Commissioners and Advisory Committee Members

From: HAL SNOW
Interim Executive Director

The Administrative Progress Report (APR) is a monthly status report that informs POST Commissioners and the California law enforcement community of recent progress on POST projects and instructional programs under development, and other information of importance to our mission to continually enhance the professionalism of California law enforcement.

LOS ANGELES TIMES COMMUNICATIONS LLC v. POST HEARD BY SUPREME COURT

In March 2002, the *Los Angeles Times* requested specified peace officer information provided by law enforcement agencies on the Notice of Appointment/Termination (Form 2-114). POST declined to provide the information based on the provisions in Penal Code § 832.7 and 832.8, Evidence Code § 1043, and the California Public Records Act (CPRA) 6254(k).

On May 9, 2002, the *Los Angeles Times* filed a Petition for Writ of Mandate in the County of Los Angeles attempting to compel release of the information sought (officer's name, date of birth, department, date of hire, date of termination).

On October 23, 2002, the Los Angeles Superior Court granted the *Los Angeles Times*' Petition in part. POST appealed on jurisdictional grounds and the case was reheard in Sacramento Superior Court on October 10, 2003. On October 24, 2003, the court rendered a partial verdict in favor of the *Los Angeles Times* request.

On November 25, 2003, POST filed a Writ Petition with the 3rd District Court of Appeals. On March 25, 2005, the 3rd District heard oral arguments in Sacramento. On April 7, 2005, the 3rd District granted a peremptory Writ of Mandate.

On May 17, 2005, the *Los Angeles Times* appealed the 3rd District's ruling to the State Supreme Court. On May 30, 2007, the Supreme Court heard oral arguments in San Francisco. POST staff attended the hearing which lasted just over one hour. A final decision is expected within 90 days.

Questions about the *Los Angeles Times* hearing may be directed to Assistant Executive Director Dick Reed, Administrative Services Division, at (916) 227-2809 or Dick.Reed@post.ca.gov.

COMMISSION ON STATE MANDATES UPHOLDS POST REGULATIONS

On May 31, 2007, the Commission on State Mandates (CSM) – the governmental body that adjudicates test claims of local entities that allege the existence of reimbursable state-mandated programs – upheld POST instructor and academy staff regulations as *not* constituting unfunded state mandates. The claims, originally filed in 2002 and 2003, have been progressing through various phases of analysis and hearings for several years. At issue were essential components of California Code of Regulations, Title 11 (POST Administrative Manual Regulations 1001, 1052, 1053, 1055, 1058, 1070, 1071, and 1082).

POST staff, in conjunction with staff from the Department of Finance, argued in support of the final staff analysis of the Commission on State Mandates. That analysis affirmed that participation in the POST program is voluntary and that subsequent discretionary decisions to offer POST-certified training are also voluntary and do not constitute state-mandated programs. In its final hearing on the matter, after considering new and historical testimony, the Commission on State Mandates concurred with the staff analysis and voted to reject the test claims.

Questions about POST regulations or the Commission on State Mandates process may be directed to Senior Consultant Bryon G. Gustafson, Training Program Services Bureau, at (916) 227-3902 or Bryon.Gustafson@post.ca.gov.

POST TO DEVELOP UPDATED TELECOURSE FOR RACIAL PROFILING TRAINING

The California POST Training Network (CPTN) has started development of a video-based racial profiling refresher training course as outlined in Commission Regulation 1081(a)(33) and required by Penal Code § 13519.4 (f) and (i). The focus of the *Racial Profiling Update* telecourse will be a review of core information from the initial five-hour training, and an update on changes in laws and practices.

The telecourse program will examine the definition of racial profiling from both community and law enforcement perspectives, legal issues, overview of civil rights milestones, and the impact of racial profiling as examined through community and ethical considerations. Content will be presented through officer narrative of real-life experience and interviews with private citizens as well as subject matter experts. Resources to build a refresher presentation will come from various community organizations, the Simon Wiesenthal Museum of Tolerance in Los Angeles, and officers' own stories.

The *Racial Profiling Update* telecourse is tentatively scheduled for release in early 2008.

Questions about the *Racial Profiling Update* telecourse may be directed to Senior Consultant Jody Buna, Training Program Services Bureau, at (916) 227-4896 or Jody.Buna@post.ca.gov.

LAW ENFORCEMENT CONSULTANT I AND II EXAMINATIONS HELD

On May 7- 9, 2007, Law Enforcement Consultant (LEC) interviews were held in Sacramento. The LEC I list has 10 names with 5 ranks, and the LEC II list has 13 names with 3 ranks. Both lists are valid for 12 months. POST staff will interview candidates, conduct background checks, and make selections in June. There are currently two vacant LEC positions.

POST is currently accepting applications for the LEC I and II open examinations to be conducted in November 2007. The cutoff date for applications is October 12, 2007. Successful candidates will be merged with the above lists which will also be valid for 12 months.

Questions about the LEC recruitment process may be directed to Personnel Officer Linda Aguas, Administrative Services Bureau, at (916) 227-3927 or Linda.Aguas@post.ca.gov.

POST TELECOURSES WIN NATIONAL AURORA AWARDS

The 2007 Aurora Awards Competition recognized six POST video telecourses with awards, including three top-honor *Platinum Awards*. POST telecourses "Law Enforcement Response to Homelessness," "Missing Persons Update," and "News Media Relations" won *Platinum Best of Show Awards*. The telecourses "Response to Human Trafficking," "National Incident Management Systems," and "Tactical Driving for Law Enforcement" were winners of *Gold Awards*.

The telecourse programs were judged individually against an absolute scale of excellence rather than by comparison with other entrants. The *Best of Show* is the highest honor given. Only about one in ten receive this honor, while about two out of ten receive the *Gold Award*. Programs are judged in areas of creativity, message effectiveness, and technical excellence. The POST telecourses were honored for the strong interview content, informative dramatizations, and attention to detail.

The Aurora Award recognizes those in the video and film industries worldwide who have tackled innovative subject matter in an effort to raise the level of consciousness of their audiences. The Awards also recognize those who creatively captivate the audience while breaking past barriers of race and stereotypes through contemporary images and ideas.

Entries come from independent, corporate, and freelance production groups; advertising agencies; and television broadcast stations, large and small. The competition specifically targets programs that focus on non-national commercials, regional or special interest entertainment, and corporate-sponsored film and video. Winners were selected from 174 categories, including interactive media/DVD, instruction/training programs, and public relations.

Earlier this year POST telecourses were recipients of six Telly Awards. Details regarding these Telly Awards may be found in the March 2007 Administrative Progress Report.

Questions about POST telecourses may be directed to Senior Law Enforcement Consultant Jody Buna, Training Program Services Bureau, at (916) 227-4896 or Jody.Buna@post.ca.gov.

ACADEMY INSTRUCTOR CERTIFICATE PROGRAM MOVES FORWARD

The Academy Instructor Certificate Program (AICP) requires basic instructor development training for every instructor who teaches a Basic Course component. Nearly all of the POST Basic Course academies are now participating in the recently mandated program. Regular status updates are provided to academies at the Basic Course Consortium.

POST contracts with the Napa Valley College Criminal Justice Training Center (NVC) to deliver the Academy Instructor Certification Course (AICC), the primary component of the AICP. Over 550 instructors have gone through the AICC to date. Over 1,000 instructors have been trained since NVC started delivering the course for POST. Several other presenters also offer the 40-hour course in intensive and modular formats.

Questions about the AICP may be directed to Senior Consultant Bryon G. Gustafson, Training Program Services Bureau, at (916) 227-3902 or Bryon.Gustafson@post.ca.gov.

THIRD ANNUAL ICI DETECTIVE SYMPOSIUM CONDUCTED

On May 22-24, 2007, the third annual Robert Presley Institute of Criminal Investigation (ICI) Detective Training Symposium was conducted in Burlingame. The Symposium was presented by San Jose State University's Administration of Justice Bureau.

The Detective Symposium provides an opportunity for detectives to receive state-of-the-art investigative training and satisfy the continuing professional training requirement. The Symposium was attended by approximately 270 criminal investigators.

The Symposium featured daily plenary sessions that identified lessons learned from major investigations and included break-out sessions on techniques for enhancing the quality of investigations. Plenary sessions included presentations of the BTK serial murder case, the Thunder Valley Casino case involving the murder of Christie Wilson, the kidnap and murder case involving seven year-old Danielle van Dam, the San Joaquin Corruption case and Motorcycle Gangs, an undercover case study. Breakout sessions included such topics as organized retail crime, MySpace.com, identity theft, case preparation, street gangs, the Irvine serial burglaries, and Beyond Google.

A highlight of the Symposium was the presentation of Investigative Excellence Awards. The Investigative Excellence Awards were presented to five individuals and five investigative units. Award recipients were from police, sheriff, and district attorney investigative units. Common attributes of each recipient were perseverance, collaboration, creativity, resourcefulness, and interview and interrogation prowess.

Questions about the ICI Detective Symposium or the ICI Program may be directed to Senior Consultant Tricia Chisum, Training Program Services Bureau, at (916) 227-4895 or Patricia.Chisum@post.ca.gov.

STAKEHOLDER MEETINGS HELD TO DISCUSS THE DRAFT SELECTION STANDARDS FOR PEACE OFFICERS AND PUBLIC SAFETY DISPATCHERS

During the month of May, POST staff convened three stakeholder meetings (Fairfield, Los Angeles, and Orange Co.) to discuss the draft selection standards for peace officers and public safety dispatchers. Attendees included peace officers and dispatchers, representatives from law enforcement associations, agency executives, members of personnel departments, background investigators, physicians, and psychologists.

The input received from the meetings, as well as feedback received via email, is being reviewed for incorporation into the selection standards or a companion interpretive guidance document. The revised selection standards will be submitted to the POST Commission at the July 19, 2007, meeting.

Questions about the draft selection standards for peace officers and public safety dispatchers should be directed to Senior Personnel Selection Consultant Shelley Spilberg, Standards and Evaluation Services Bureau, at (916) 227-4824 or Shelley.Spilberg@post.ca.gov.

READING AND WRITING GAMING SOFTWARE REQUEST FOR PROPOSAL RELEASED

At the July 2006 meeting, the Commission authorized a contract to develop gaming software that would assess and remediate the reading and writing skills of entry-level officers. In May 2007, following months of research, staff released a Request for Proposal (RFP) for the development of this software.

The RFP calls for 5 stages of development: (1) detailed analysis of the game's specific learning objectives, (2) design of the game's prototype, (3) development of the alpha version of the software, (4) development of the beta version of the software, and (5) development of the final version of the software. Bids were due on May 29, 2007. Staff hopes to award a contract in June 2007.

Questions about the reading and writing gaming software project may be directed to Personnel Selection Consultant Elizabeth Wisnia, Standards and Evaluation Services Bureau, at (916) 227-4830 or Elizabeth.Wisnia@post.ca.gov.

INSTRUCTOR STANDARDS ADVISORY COUNCIL CONVENES FOR QUARTERLY MEETING

On April 10, 2007, the Instructor Standards Advisory Council (ISAC) held its quarterly meeting in San Diego. The ISAC, comprised of a cross-section of law enforcement trainers, educators, and executives, reviewed progress in instructor development training.

Staff reported on the status of the Academy Instructor Certificate Program and the statewide implementation process. Representatives from the San Diego Regional Training Center and Napa Valley College presented progress reports on the Academy Instructor Certification Course and the 2007 Instructor Symposium. Information regarding the symposium can be found at <http://www.sdrtc.org/InstructorSymposium2007/InstructSymposium2007.htm>.

Advances in the implementation of the Instructor Development Institute were reviewed and discussed. The ISAC also reviewed POST's new on-line instructor development course titled "Best Practices of Good Training," which will debut on the Learning Portal later this month.

Questions about the Instructor Standards Advisory Council (ISAC) may be directed to Senior Consultant Bryon G. Gustafson, Training Program Services Bureau, at (916) 227-3902 or Bryon.Gustafson@post.ca.gov.

DEVELOPMENT OF PROTOCOLS UNDERWAY FOR CHILD SAFETY WHEN A CARETAKER PARENT OR GUARDIAN IS ARRESTED

On May 29-30, 2007, subject matter experts met in San Diego to create content for training to address instances when a child's caretaker parent or guardian is arrested. The group consisted of representatives from law enforcement, child welfare agencies, and child welfare advocacy groups throughout the state. Core content for training guidelines was established and the project will move to creating appropriate training for law enforcement officers. This undertaking is in response to AB 1942 (Nava) and Penal Code § 13517.7.

Questions about the protocols for child safety may be directed to Senior Consultant Robert Sherock, Training Program Services Bureau, at (916) 227-4829 or Robert.Sherock@post.ca.gov.

POST STAFF MEMBER ATTENDS POLICE EXECUTIVE RESEARCH FORUM ANNUAL MEETING

In May, POST staff attended the 2007 Police Executive Research Forum (PERF) annual meeting in Chicago. The meeting focused on current trends and issues critical to state and local law enforcement. Over 250 law enforcement officials from Long Beach to London attended. The meeting provided an excellent "state of the industry" overview and affirmed the training practices and direction of POST.

Of special interest to POST staff were sessions on "Suicide Bomber: Guidelines for Patrol" and "Advances in Use of Force," including a review of the recently decided Supreme Court pursuit intervention case *Scott v. Harris* (05-1631, April 30, 2007). Other sessions featured violent crime trends in suburban cities; increases in juvenile crime and delinquency; and training and policy implications for policing divided communities (with Los Angeles, Chicago, and Northern Ireland as case studies).

Questions about the PERF Annual Meeting may be directed to Senior Consultant Bryon G. Gustafson, Training Program Services Bureau, at (916) 227-3902 or Bryon.Gustafson@post.ca.gov.

CALENDAR OF EVENTS ON THE POST WEBSITE

Due to security concerns, the POST Calendar of Events is located in the Flagship Network on the POST website. The Flagship Network is an electronic bulletin board for the Commission and sworn law enforcement personnel accessed through a user identification and password.

Information about obtaining access is located at http://www.post.ca.gov/library/p_ch/flagship_bb.asp. If you have access to the network but have forgotten your user identification or password, please send an email to clearinghouse@post.ca.gov.

LEGISLATIVE UPDATE

Information regarding bills with a Commission position appears on the following page.

REPORT DATE: May 31, 2007

STATUS OF CURRENT LEGISLATION

The following are bills in Legislative Session 2007-08 on which the Commission has taken, or will consider taking, a position.

Bill # and Author	Title, Summary and Commission Position	Status of Bill
<u>AB 151</u> (Berryhill)	Peace Officers: This bill would include custodial officers, as specified, in the Counties of Glenn, Lassen, and Stanislaus within the definition of peace officer under PC 830.1(c). This bill would declare that it is to take effect immediately as an urgency statute. Commission Position: No position.	Senate Public Safety (5/2/07)
<u>AB 325</u> (Nava)	Peace Officer Recruitment and Retention Commission: This bill would create the Peace Officer Recruitment and Retention Commission. This Commission would be required to have eight members, as specified, and develop a pilot project administered by the Commission that will develop, coordinate, and implement advertising, recruitment, and retention programs for peace officers in counties specified by the Commission. Commission Position: Support.	ASM Approp. Suspense (4/18/07)
<u>AB 890</u> (Aghazarian)	Correctional Peace Officer Standards and Training: This bill replaces the Corrections Standards Authority with the Commission on Correctional Peace Officer Standards and Training (CPOST). CPOST would be responsible for developing, approving, and monitoring standards for the selection and training of state correctional peace officers and apprentices. There is no appropriation for this legislation. Commission Position: No position.	ASM Approp. Suspense (4/18/07)
<u>AB 1079</u> (Richardson)	Crime Labs: This bill would require the Commission on Peace Officer Standards and Training (POST) to establish a task force to conduct a review of California's crime laboratory system and make recommendations how to best configure, fund, and improve the delivery of state and local crime laboratory services. Commission Position: Oppose, amend.	ASM Approp. Suspense (4/25/07)
<u>AB 1374</u> (Hernandez)	Peace Officers Reserve Housing Authority: This bill would add all reserve housing authority patrol officers employed by a housing authority among those reserve officers who are considered peace officers Commission Position: Neutral.	Senate Public Safety (5/9/07)

Bill # and Author	Title, Summary and Commission Position	Status of Bill
<u>SB 15</u> (Wyland)	Career Technical Education Vision Council: This bill would create the Career Technical Education Vision Council (CTEVC) to make recommendations regarding career technical education, as specified, and to develop a workforce preparation and strategic plan on or before December 31, 2008. Commission Position: Support, Amend	Senate Education Cmte. (1/18/07)
<u>SB 153</u> (Migden/Runner)	Victim Services: This bill creates the Child Advocacy Center Fund and the Victim Trauma Recovery Fund, assigns the Office of Emergency Services (OES) to receive and manage the distribution of these funds, and assigns redistribution percentages to the recipients of the Penalty Assessment Fund. Commission Position: Neutral.	Senate Approp. (5/31/07)
<u>SB 566</u> (Ridley-Thomas)	Peace Officer Standards and Training: Existing law establishes the appointment criteria for all members of the Commission on Peace Officer Standards and Training (POST). This bill would amend the criteria for appointment to the Commission, as specified by law, for four of the Commission members. Commission Position: No position.	ASM Public Safety (5/17/07)
<u>SB 756</u> (Ridley-Thomas)	Criminal Investigations: This bill would require that on or before December 31, 2008, the Department of Justice, the Commission on Peace Officer Standards and Training, and specified law enforcement-related entities will develop guidelines for policies and procedures for the collection and handling of eyewitness evidence in criminal investigations. The guidelines would be transmitted to the Legislature with recommendations for any legislation needed to enforce the guidelines. This bill also requires that the Attorney General report to the Legislature on the training on, and voluntary compliance with, the recommendations. Commission Position: Oppose.	Senate Approp. (5/31/07)
<u>SB 987</u> (Romero)	State Correctional System: This bill would require the Commission on POST to provide training regarding tracing missing persons and victims of violent crimes, transferring this responsibility from the Corrections Standards Authority. Commission Position: No position.	POST Amendments Accepted, Senate Approp. (5/31/07)